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VIA ECF and ELECTRONIC MAIL

February 2, 2016

Honorable Stuart M. Bernstein
United States Bankruptcy Court
Southern District of New York
One Bowling Green, Room 723
New York, NY 10004-1408
Bernstein.chambers@nysb.uscourts.gov

Re: Picard v. Gertrude E. Alpern Revocable Trust, et al., Adv. Pro No. 10-04327 (SMB)

Dear Judge Bernstein:

We are Special Counsel to the Trustee, and write in support of Edward J. Jacobs' response to Helen Davis Chaitman's January 26, 2016 (filed February 1, 2016) letter to the Court regarding a Rule 45 subpoena we served on FirstBank in the above-referenced matter. We are compelled to file this separate response to Ms. Chaitman's letter in light of her false assertions that one of our attorneys, Karen Cullen, acted with impropriety and that Ms. Chaitman should be permitted to file a motion for contempt against Ms. Cullen.

As noted in Mr. Jacobs' letter, the subpoena in question is dated and was served *before* the Court's January 27 chambers conference. Subsequent to the conference, Windels Marx promptly advised FirstBank (and certain other banks also served with subpoenas in this action) that until further notice, the banks were to hold in abeyance any response to such subpoenas. *See Exhibit A* to Mr. Jacobs' letter. Accordingly, any suggestion of impropriety as to Ms. Cullen with respect to the *Alpern* subpoenas is unfounded and an unfortunate waste of the Court's time.

For the sake of brevity, we are not addressing Ms. Chaitman's equally false assertions as to subpoenas served in connection with the *Helene Saren-Lawrence* matter, as mentioned on page 2 of her letter.

Very truly yours,


Kim M. Longo

cc: Helen Davis Chaitman, Esq. (by email)
Leslie Treff, Esq. (by email)